

# Exhibit A

**DECLARATION OF DON CARR**

I, Don Carr, declare under penalty of perjury that the following is true and correct to the best of my knowledge, information, and belief:

1. I am currently employed by Service Employees International Union, Local 5 as Arizona State Director; prior to becoming State Director in 2011, I was the Organizing Director. SEIU Local 5's geographic jurisdiction covers several states, including Arizona and Texas. When in Arizona, SEIU Local 5 is commonly referred to as "SEIU Arizona," and in this declaration, I use the terms "SEIU Arizona" and "SEIU Local 5" interchangeably. I have been employed by SEIU Arizona since 2004. In my duties as State Director I oversee the operations of SEIU Local 5 in the state of Arizona.

2. SEIU Arizona has engaged in a variety of speech and expressive activities regarding public issues, including but not limited to labor disputes with Arizona employers, and SEIU Arizona intends to continue doing so.

3. My descriptions of the following examples of past activity are either based on my personal knowledge, or based on information reported to me by SEIU Arizona staff or reflected in SEIU Local 5 records.

4. For example, in 2006, approximately 30 SEIU Arizona officers, staff, and members assembled in support of laundry workers in Scottsdale. The assembly was organized by another union, UNITE-HERE. The participants held signs that provided information to the public about a particular laundry employer's poor working conditions and low wages. The participants stood still on a public sidewalk across the street from the Kierland Commons shopping area, which included a restaurant that used the services of the laundry employer at the time. The signs informed the public that the restaurant was using the laundry service in question. The participants asked the restaurant to stop using the laundry service until its working conditions improved.

5. In 2006 or 2007, approximately 20 SEIU Arizona officers, staff, and members engaged in handbilling, in support of workers employed by America West or Host Foods.

The handbilling was organized by UNITE HERE. The handbilling took place in a public area inside the Phoenix Sky Harbor Airport. The fliers that were distributed related to employees' workplace grievances.

6. In 2008 or 2009, approximately 75 SEIU Arizona officers, staff, and members engaged in picketing to support workers employed by grocery stores. The picketing was organized by another union, UFCW. The picketers provided the public with information regarding the grocery stores' food-handling practices and unfair unionbusting tactics. The picketing took place on public sidewalks near the parking lot entrances to the grocery stores in Tucson and Phoenix. The picketers held signs, many of which were hand-made posters, and chanted. Some picketers used bullhorns. Some picketers stood, while others walked along the sidewalk.

7. On or about March 19, 2009, approximately 65 SEIU Arizona officers, staff and members, as well as representatives from allied organizations, picketed, distributed fliers, and conducted a rally and press conference in front of a prominent bank's offices, which are located on Central Avenue in Phoenix. The picketers chanted while picketing, and some picketers used a bullhorn. The speakers at the rally and press conference used microphones to amplify their voices. SEIU Arizona provided information to educate the public regarding the contrast between the financial "bail out" that the government provided to Wall Street banks and the lack of support provided to average Americans, and advocated for a policy agenda that would support "Main Street" America.

8. In 2009, SEIU Arizona actively participated in a coalition called Health Care for America Now! ("HCAN"). As a member of the HCAN coalition, SEIU Arizona officers, staff, and members engaged in picketing and leafleting, to educate the public about and build public support for health care reform. These activities took place in at least three locations: in downtown Phoenix on the sidewalk in front of the offices of United Health Care; in central Phoenix on the sidewalk at the corner of 24<sup>th</sup> Street & Camelback, which is adjacent to the building in which U.S. Senator Jon Kyl's office is

located; and in Scottsdale on the sidewalk in front of the building in which the office of then-U.S. Rep. Harry Mitchell was located.

9. On or about April 19, 2009, SEIU Arizona organized a public march in which approximately 45 employees of the State of Arizona and community supporters, including children, met at the State Capitol to deliver thousands of letters to Arizona legislators and the Governor, asking them to adequately fund Child Protective Services, so that the agency could investigate priority four cases. The marchers sometimes chanted. The marchers walked around the State Capitol Mall, into the State Senate and House Chambers, and into the Governor's office.

10. SEIU Arizona is a member of a coalition that opposes predatory lending in Arizona. In the spring of 2010, this coalition opposed legislation that would have extended the sunset date for payday lenders. At that time, SEIU Arizona staff and members participated in at least one rally at the State Capitol in Phoenix, calling on the Legislature to defeat the bill.

11. In 2006, SEIU Local 5 represented janitors working in Houston, who had recently organized and decided to strike to improve their working conditions. At the time, although the janitors cleaned expensive office buildings in downtown Houston, the janitors were paid poverty level wages -- on average, only \$5.30 per hour, with no health care benefits. SEIU Local 5 janitors and their supporters participated in acts of civil disobedience to educate the public about the plight of janitors in the Houston area. For example, on or about November 10, 2006, approximately 14 SEIU Local 5 janitors and their supporters, including clergy from the community, entered the downtown Houston office of Transwestern, and sat down in the company's conference room. When asked to leave, several of SEIU Local 5's janitors and their supporters refused to do so. As a result, they were arrested and charged with criminal trespass.

12. In 2006, SEIU Local 5 janitors also regularly engaged in speech and expressive activity, such as handbilling, that identified the companies that used the

services of janitorial contractors that paid their employees only poverty level wages. In addition, on or about October 27, 2006, SEIU Local 5 contributed to a report entitled, "Chevron, the High Cost of Record Earnings," which compared Chevron's profits to the wages earned by janitors cleaning Chevron's Houston offices. This report included statements by SEIU Local 5 janitors, which illustrated the human costs of poverty wages.

13. In 2005, SEIU Arizona also engaged in picketing to bring public attention to the plight of janitorial workers employed by a cleaning contractor to clean an Intel Corp. manufacturing facility. The picketing took place outside of an Intel facility located in Chandler, Arizona. The picketers held signs, marched outside of the facility, and distributed handbills. The picketers provided information regarding the chemicals to which the janitors were exposed while cleaning Intel's facility. The picketers asked Intel employees and the public to ask the cleaning contractor to treat the janitors better and protect their health and safety.

14. In addition, SEIU Arizona representatives often visit the workplaces of members in order to communicate with employees and advocate on behalf of employees.

15. As a representative of local government employees, SEIU Arizona has agreements with some city governments that expressly provide that SEIU Arizona representatives shall be allowed reasonable access to work areas on city property, including some city-owned grounds and facilities that are not otherwise open to the public.

16. SEIU Arizona distributes newsletters or leaflets to its members that include statements about the actions of employers, both public and private. SEIU Arizona routinely does so, for example, to educate its members about an employer's bargaining proposals or tactics, to criticize how an employer is handling a workplace issue, to criticize a policy or budget decision, or to criticize a vote by a public official.

17. SEIU Arizona desires and intends to continue in exercising its First Amendment rights by engaging in speech about employers, including secondary

employers, advocacy on behalf of employees, assembly, handbilling, rallies, press conferences, marches, picketing, boycotts, protests, and other similar expressive activities.

18. For example, SEIU Arizona is currently considering picketing a private employer, Pima Council on Aging for All, Inc., to inform the public about a labor dispute.

19. However, SEIU Arizona fears it, and its members or supporters, will be prosecuted under SB 1363 for continuing to exercise its First Amendment rights. SEIU Arizona fears prosecution under SB 1363 not only because it prohibits speech and expressive activities in which SEIU Arizona regularly engages, but also because SB 1363 specifically targets labor organizations and threatens them with greater criminal and civil penalties. SEIU Arizona desires and intends to continue engaging in speech and expressive activities that now appear to be prohibited under SB 1363, even though it fears that it and its members and supporters will be criminally prosecuted and incur civil liability for doing so, because engaging in such speech and activity is critical to fulfilling SEIU Arizona's mission as a labor organization and employee advocate.

20. In addition, SEIU Arizona expects SB 1363 to have a substantial chilling effect on the speech and expressive activity of its members. When SEIU Arizona asks its members to participate in speech or expressive activity that may be covered under SB 1363, SEIU Arizona plans to inform them of the threat of prosecution under SB 1363. SEIU Arizona expects that many members will decline to participate in any such First Amendment activities because of fear of prosecution under SB 1363.

21. Additionally, when SB 1365 goes into effect on October 1, 2011, SEIU Arizona will cease engaging in expressive speech and activity that may be construed as political activity that is restricted by SB 1365.

I affirm, under the penalties of perjury, that the foregoing representations are true.

A handwritten signature in blue ink, appearing to read "Donald Carr", written over a horizontal line.

Donald Carr

A handwritten date "9-1-2011" in blue ink, written over a horizontal line.

Date